



Paper No. 13

Thomas J Perkowski
Soundview Plaza
1226 East Main Street
Stamford, Connecticut 06902

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OFFICE OF PETITIONS**ON PETITION**

In re Application of
Thomas Perkowski
Application No. 08/871,815
Filed: June 9, 1997
Attorney Docket No. 100006

This is a decision on the petition under 37 CFR §1.137, filed July 10, 2002. This petition is being treated under 37 CFR §1.181(no fee) as a petition to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

~~This application was held abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due, and submit corrected drawings, as required by the Notice of Allowability both of which were mailed May 26, 1999. The Notice of Allowance and Issue Fee Due set a three (3) month statutory period for reply. The Notice of Allowability set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). A Notice of Abandonment was mailed on November 3, 1999.~~

Petitioner maintains a Continued Prosecution Application (CPA) was filed on August 26, 1999. In support petitioner provided a copy of an Office stamped postcard receipt which acknowledges the receipt of a transmittal letter accompanying the filing of a continuation application under 37 CFR 1.53(d), supplemental information disclosure statement and a certificate of express mail (EL364975051US). A review of the record shows deposit account 16-1340 was charged the CPA filing fee on September 1, 1999 (mailroom date August 26, 1999). A search of the express mail database reveals package EL364975051US was accepted by the U.S. Post Office on August 26, 1999. Based on the facts stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

Since the record does not contain a copy of the documents submitted on August 26, 1999, the copies provided with the instant petition will be used for examination purposes.

The change of correspondence address submitted with the status inquiry on June 5, 2002 has been entered.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR §1.181, the Petitioner's request to have the petition considered under 37 CFR §1.137 is dismissed as moot.

The application is abandoned in favor of the Continued Prosecution Application (CPA) filed August 26, 1999.

This application is being forwarded to Technology Center 2700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-0251.


Charlema R. Grant
Petitions Attorney
Office of Petitions